

## Message Text

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PAGE 01 KINGST 00296 212020Z

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ACTION SCS-03

INFO OCT-01 ISO-00 SS-15 SP-02 L-03 SSO-00 ARA-06 /030 W

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P 211909Z JAN 76

FM AMEMBASSY KINGSTON

TO SECSTATE WASHDC PRIORITY 9959

C O N F I D E N T I A L KINGSTON 296

STADIS////////////////////

EO 11652: GDS

TAGS: CGEN (CHAMBLEE, L)

SUBJECT: AVAILABILITY OF BANK RECORDS IN JAMAICA

REF: STATE 8996

1. REGRET THAT ACTION ON REFTEL AND PREVIOUS SLIPPED THROUGH  
CRACKS IN COURSE OF VISIT BY SECSTATE AND IMF CONFERENCE

2. ARTICLE 20 OF US/JAMAICAN TAX CONVENTION PROVIDES FOR  
EXCHANGE OF INFORMATION (SUCH AS THAT REQUESTED IN  
REFTEL) AVAILABLE UNDER THE RESPECTIVE TAXATION LAWS OF  
THE PARTIES. JAMAICAN INCOME TAX LAW SPECIFICALLY PROVIDES  
TO GOJ AUTHORITY TO OBTAIN ACCESS TO BANK RECORDS, ETC.  
ONLY IN THOSE INSTANCES WHERE THE INDIVIDUAL CONCERNED IS  
REQUIRED UNDER LAW TO FILE A JAMAICAN INCOME TAX RETURN. IT IS  
NOT CLEAR FROM REFTEL AND EARLIER TRAFFIC WHETHER  
CHAMBLEE FALLS INTO THIS CATEGORY. IN THE CIRCUMSTANCES, DEPARTMENT  
MAY WISH SEEK LEGAL ADVISE THROUGH A JAMAICAN ATTORNEY ON  
(A) STATUS OF INDIVIDUAL UNDER JAMAICAN LAW, AND (B)  
MEANS OF OBTAINING ACCESS TO BANK RECORDS.

3. IF DEPARTMENT OF JUSTICE FOLLOWS THIS COURSE, WE WOULD RE-  
COMMEND NYERS, FLETCHER AND GORDON, 21 EAST STREET, KINGSTON.  
SENIOR PARTNER DOUGLAS FLETCHER (FORMER AMBASSADOR TO THE UNITED  
STATES) IS WELL AND FAVORABLY KNOWN TO THIS EMBASSY.

4. WE ARE CONCERNED ABOUT POLITICAL PROBLEMS WHICH MAY  
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PAGE 02 KINGST 00296 212020Z

FLOW FROM ACTION ALONG FOREGOING LINES. AS DEPARTMENT IS WELL

AWARE, MANY PROMINENT JAMAICAN BUSINESSMEN AND POLITICIANS ARE VIOLATING JAMAICAN CURRENCY CONTROLS (I.E. SALTING AWAY IN UNITED STATES BANKS CONSIDERABLE SUMS OF MONEY AS A FORM OF INSURANCE SHOULD JAMAICA MOVE SHARPLY TO THE LEFT). SIMILARLY, MANY AMERICAN CITIZENS RESIDENT AND IN BUSINESS IN JAMAICA ARE UNDOUBLEDLY DOING THE SAME THING. ANY MAJOR EFFORT BY USG TO OBTAIN ACCESS TO BANK RECORDS IN JAMAICA ON BASIS ABOVE-CITED TAX CONVENTION COULD EASILY BACKFIRE, WITH HIGHLY EMBARRASSING REQUESTS FOR SIMILAR INFORMATION FROM U.S. BANKS. IF OBTAINED, THERE IS NO DOUBT THAT THIS INFORMATION COULD BE USED TO EMBARRASS MANY OF OUR POLITICAL FRIENDS IN THIS COUNTRY. IN THE CIRCUMSTANCES, WE HOPE DEPARTMENTS OF STATE AND JUSTICE WILL CAREFULLY WEIGH THE IMPORTANCE OF THE CHAMBLEE CASE AS AGAINST THE POLITICAL CONSEQUENCES WHICH COULD FLOW FROM PURSUIT OF THE COURSE OUTLINED IN PARA 2 ABOVE GERARD

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